



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt a resolution authorizing the City Manager to execute Amendment 4 to Contract 96-SNR-00110 between the Bureau of Reclamation and the United States of America Department of Energy Western Area Power Administration with the City of Lodi for the Funding of Power Operation and Maintenance for Central Valley Project Power Facilities (EUD)

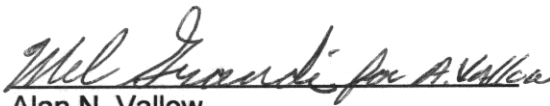
MEETING DATE: September 1, 2004

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to execute Amendment 4 to United States of America Department of Energy Western Area Power Administration (Western) Contract 96-SNR-00110 with the City of Lodi for the Funding of Power Operation and Maintenance for Central Valley Project Power Facilities.

BACKGROUND INFORMATION: As part of the annual City of Lodi Electric Utility Department's (EUD) renewal of Western Area Power Administration (Western) resources, Contract 96-SNR-00110 for the Funding of Power Operation and Maintenance for Central Valley Project Power Facilities (EUD) provides for continuation of the Western resource. Amendment 4 modifies our current Western contract to reflect Western's new marketing plan. The new marketing plan (effective January 01, 2005) is resource based (based upon the actual available generator capacity from Western). The present marketing plan is based upon firm capacities (i.e., a guarantee fixed amount of capacity). Lodi's future Western energy allotment under the new marketing plan will be a percentage of actual generated capacity.

FUNDING: None: Within Current Power Budget


Alan N. Vallow
Electric Utility Director

PREPARED BY: Mel Grandi, Manager, Electric Services

ANV/MG/lst

cc: City Attorney

APPROVED: 
JANET S. KEETER, Interim City Manager

AUTHENTICATED COPY

Contract No. 96-SNR-00110

Amendment No. 4

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION
SIERRA NEVADA CUSTOMER SERVICE REGION
CENTRAL VALLEY PROJECT, CALIFORNIA

AND

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MID-PACIFIC REGION
AND
CENTRAL VALLEY PROJECT CUSTOMERS

AMENDMENT NO. 4 TO THE
AGREEMENT FOR THE FUNDING OF OPERATION AND MAINTENANCE FOR
CENTRAL VALLEY PROJECT POWER FACILITIES

AUTHENTICATED COPY

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION
SIERRA NEVADA CUSTOMER SERVICE REGION
CENTRAL VALLEY PROJECT, CALIFORNIA
AND
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MID-PACIFIC REGION
AND
CENTRAL VALLEY PROJECT CUSTOMERS

AMENDMENT NO. 4 TO THE
AGREEMENT FOR THE FUNDING OF OPERATION AND MAINTENANCE
FOR
CENTRAL VALLEY PROJECT POWER FACILITIES

Table of Contents

Section	Page
1. PREAMBLE	1
2. EXPLANATORY RECITALS.....	2
3. AGREEMENT	2
4. TERM OF AMENDMENT	2
5. MODIFICATION TO THE PRIMARY AGREEMENT.	2
6. PRIMARY AGREEMENT TO REMAIN IN EFFECT	3
7. EXECUTION IN COUNTERPART	3

SIGNATURE PAGES

1
2
3
4 UNITED STATES
5 DEPARTMENT OF ENERGY
6 WESTERN AREA POWER ADMINISTRATION
7 SIERRA NEVADA CUSTOMER SERVICE REGION
8 CENTRAL VALLEY PROJECT, CALIFORNIA

9 AND

10 UNITED STATES
11 DEPARTMENT OF THE INTERIOR
12 BUREAU OF RECLAMATION
13 MID-PACIFIC REGION
14 AND
15 CENTRAL VALLEY PROJECT CUSTOMERS

16
17 AMENDMENT NO. 4 TO THE
18 AGREEMENT FOR THE FUNDING OF OPERATION AND MAINTENANCE
19 FOR
20 CENTRAL VALLEY PROJECT POWER FACILITIES
21

22 1. **PREAMBLE:** This Amendment to Contract No. 96-SNR-00110 (Primary
23 Agreement) is made this 14th day of July, 2004, between the UNITED
24 STATES OF AMERICA (United States), (i) acting by and through the Administrator,
25 Western Area Power Administration, Department of Energy (Western), represented by
26 the Regional Manager, Sierra Nevada Customer Service Region, the officer executing
27 this Agreement, or a duly appointed successor, and (ii) acting by and through the
28 Commissioner, Bureau of Reclamation, Department of the Interior (Reclamation),

represented by the Regional Director, Mid-Pacific Region; and the Central Valley Project (CVP) preference power customers signing this Amendment as set forth in Exhibit A of the Primary Agreement, all collectively called Parties.

2. **EXPLANATORY RECITALS:**

2.1 The Parties entered into the Primary Agreement on November 12, 1997.

2.2 To accommodate Western's 2004 Power Marketing Plan, the Parties desire to modify the definition of a Small Customer in the Primary Agreement to incorporate a Base Resource percent allocation value.

3. **AGREEMENT:** The Parties agree to the terms and conditions set forth herein.

4. **TERM OF AMENDMENT:** This Amendment shall become effective upon execution by all Parties and shall remain in effect concurrently with the Primary Agreement.

5. **MODIFICATION TO THE PRIMARY AGREEMENT:** The following modification is made to the Primary Agreement:

5.1 Modification to Section 5.23: Section 5.23 is deleted in its entirety and the following language substituted therefore:

"5.23 Small Customer: A customer with a long-term firm allocation of 20 megawatts or less from Western and a maximum load of 40 megawatts or less through calendar year 2004, or a customer with a Base Resource percentage of 1.328% or less under the 2004 Power Marketing Plan and a maximum load of 40 megawatts or less, beginning January 1, 2005, through the term of this Agreement."

///

///

6. **PRIMARY AGREEMENT TO REMAIN IN EFFECT:**

Except as expressly modified by this Amendment, said Primary Agreement shall remain in full force and effect; and this Amendment shall be subject to all provisions of the Primary Agreement, except as herein amended.

7. **EXECUTION IN COUNTERPART:**

This Amendment may be executed in a number of counterparts and shall constitute a single document with the same force and effect as if each Party had signed all other counterparts.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed the day and year first above written. The signatories hereto represent that they have been appropriately authorized to enter into this Amendment on behalf of the Party for whom they sign.

WESTERN AREA POWER ADMINISTRATION

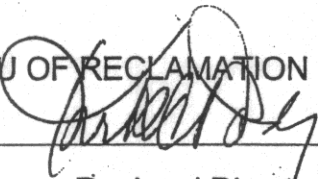
By: 

Title: Regional Manager

Address: 114 Parkshore Drive

Folsom, CA 95630-4710

BUREAU OF RECLAMATION

By: 

Title: Regional Director, Mid-Pacific Region

Address: 2800 Cottage Way

Sacramento, CA 95825

///

///

1 **IN WITNESS WHEREOF**, the Parties have caused this Amendment to be
2 executed the day and year first above written. The signatories hereto represent that
3 they have been appropriately authorized to enter into this Amendment on behalf of the
4 Party for whom they sign.

5
6 CITY OF LODI

7 By: _____

8 Attest: Title: _____

9 By: _____ Address: _____

10 Title: _____

11 ///

12 ///

13 ///

14 **Approved as to form**

City Attorney



15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

RESOLUTION NO. 2004-176

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
AMENDMENT 4 TO CONTRACT NO. 96-SNR-00110 BETWEEN
THE BUREAU OF RECLAMATION AND THE UNITED STATES OF
AMERICA DEPARTMENT OF ENERGY WESTERN AREA POWER
ADMINISTRATION WITH THE CITY OF LODI FOR THE FUNDING OF
POWER OPERATION AND MAINTENANCE FOR THE CENTRAL
VALLEY PROJECT POWER FACILITIES, AND FURTHER
AUTHORIZING THE CITY MANAGER TO EXECUTE SAID
DOCUMENTS ON BEHALF OF THE CITY OF LODI

=====

BE IT RESOLVED that the City Council of the City of Lodi does hereby approve
Amendment 4 to United States of America Department of Energy Western Area Power
Administration Contract No. 96-SNR-00110 with the City of Lodi for the funding of power
operation and maintenance for the Central Valley Project Power Facilities; and

BE IT FURTHER RESOLVED that the City Manager is authorized and directed
to execute said documents on behalf of the City of Lodi.

Dated: September 1, 2004

=====

I hereby certify that Resolution No. 2004-176 was passed and adopted by the
City Council of the City of Lodi in a regular meeting held September 1, 2004, by the
following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, and
Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Land

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk